CHAPTER III.

DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES.

Obligatory and Discretionary Duties of the Corporation.

Matters to be provided for by the corporation.

61. It shall be incumbent on the corporation to make adequate provision, by any means or measures which it is lawfully competent to them to use or to take, for each of the following matters, namely:—

(*a*) the construction, maintenance and cleansing of drains and drainage works, and of public latrines, urinals and similar conveniences;

(*b*) the construction and maintenance of works and means for providing a supply of water for public and private purposes;

(*c*) scavenging and the removal and disposal of excrementitious and other filthy matter, and of all ashes, refuse and rubbish;

(*d*) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;

(*e*) the regulation of places for the disposal of the dead and the provision of new places for the said purpose;

(*f*) the registration of births and deaths;

(*g*) measures for preventing and checking the spread of dangerous diseases;

(*h*) the construction and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses;

(*j*) the regulation of offensive and dangerous trades;

(*k*) the entertainment of a fire-brigade and the protection of life and property in the case of fire;

(*l*) the securing or removal of dangerous buildings and places;

(*m*) the construction, maintenance, alteration and improvement of public streets, bridges, culverts, causeways and the like;

(*n*) the lighting, watering and cleansing of public streets;

(*o*) the removal of obstructions and projections in or upon streets, bridges and other public places;

(*p*) the naming of streets and the numbering of premises;

(*q*) maintaining, aiding and suitably accommodating schools for primary education;

(*r*) the maintenance of a municipal office and of all public monuments and other property vesting in the corporation.

Share of the expenses of the police of the city to be paid by the corporation.

62. The corporation shall also provide and pay to Government—

(*a*) such proportion of the annual expenses of the police of the city as Government shall from time to time determine; and

(*b*) the necessary contingent expenses, as determined from time to time by Government, incurred by the Police Commissioner in granting licenses under Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay*) to public conveyances in the city.

Matters which may be provided for by the corporation at their discretion.

63. The corporation may, in their discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely:—

(*a*) public vaccination;

(*b*) educational objects other than those set forth in clause (*q*) of section 61;

(*c*) constructing, maintaining or aiding libraries, museums and art galleries;

(*d*) constructing or maintaining public parks and gardens and botanical and zoological collections;

(*e*) planting and maintaining trees on roadsides and elsewhere;

(*f*) surveys of buildings or lands;

(*g*) registration of marriages;

(*h*) taking of a census;

(*j*) preparation and presentation of addresses to persons of distinction;

(*k*) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

And, with the previous sanction of Government, the corporation may make—

(*l*) such contribution as they think fit towards any public ceremony or entertainment in the city.

Respective Functions of the several Municipal Authorities.

Functions of the several municipal authorities.

64. (*1*) The respective functions of the several municipal authorities, and of any committee appointed under sections 39, 40 or 41, shall be such as are specifically prescribed in or under this Act.

Municipal government of the city vests in the corporation.

(*2*) Except as in this Act otherwise expressly provided, the municipal government of the city vests in the corporation.

(Chap. III.—Duties and Powers of the Municipal Authorities. Sec. 64.)

(3) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the corporation or the standing committee and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the Commissioner, who shall also— Special functions of the Commissioner.

(*a*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act;

(*b*) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, other than the municipal secretary and the municipal officers and servants immediately subordinate to him, and, subject to the regulations at the time being in force under section 81, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances;

(*c*) on the occurrence or the threatened occurrence of any sudden accident or unforeseen event, involving or likely to involve extensive damage to any property of the corporation or danger to human life, take such immediate action as the emergency shall appear to him to justify or to require, reporting forthwith to the standing committee and to the corporation, when he has done so, the action he has taken and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a current budget-grant, within the meaning of that expression as defined in section 130.

Corporation may call for extracts from proceedings, &c., from the standing committee, &c.

65. The corporation may at any time call for any extract from any proceedings of the standing committee or of any committee or sub-committee constituted under this Act, and for any return, statement, account or report concerning or connected with any matter with which the standing committee or any such committee or sub-committee is empowered by or under this Act to deal; and every such requisition shall be complied with by the standing committee or other committee or sub-committee, as the case may be, without unreasonable delay.

Corporation may require the Commissioner to produce documents and furnish returns, reports, &c.

66. (*1*) The corporation may at any time require the Commissioner—

(*a*) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him;

(*b*) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of the city;

(*c*) to furnish a report by himself or to obtain from any head of a department subordinate to him and furnish, with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of the city.

(*2*) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition:

(*3*) Provided that if, on such a requisition as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the corporation after he shall have declared as aforesaid. If at such meeting, or any meeting subsequent thereto, the corporation shall repeat the requisition, and it shall then still appear to the Commissioner inexpedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the corporation to elect one councillor who with the president of the corporation and the chairman of the standing committee (or, if the president of the corporation is also chairman of the standing committee, with the said president and one member of their own body elected by the standing committee) shall form a committee who shall engage to keep secret, save as hereinafter provided, the existence and purport of such documents and matters as may be disclosed to them; and to the said committee the Commissioner shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or available to him, and embraced within the requisition; and the said committee having taken cognizance of the information, writings and matters so laid before them shall determine, by a majority in case of difference, whether or not the whole or any part, and which part, if any, of such matters ought to be disclosed to the corporation or kept secret for a defined time, which decision shall be conclusive and shall be reported to the corporation at the next ordinary meeting thereof, where also the Commissioner shall be prepared to produce documents and to make any report or statement requisite to give effect to the decision of

the committee when called on to do so by the corporation.

(*4*) The heads of departments subordinate to the Commissioner are the executive engineer, the executive health officer, the assessor and collector, and the chief accountant.

Exercise of powers to be subject to sanction by corporation of the necessary expenditure.

67. The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act, which will involve expenditure, shall, except in any case specified in sub-section (*2*) of section 115, be subject to the following provisos, namely—

(*a*) that such expenditure, so far as it is to be incurred in the official year in which such power is exercised or duty performed, shall be provided for under a current budget-grant, within the meaning of that expression as defined in section 130; and

(*b*) that, if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said official year, liability for such expenditure shall not be incurred without the sanction of the corporation.

Municipal officers may be empowered to exercise certain of the powers, &c., of the Commissioner.

68. (*1*) Any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner by any of the sections, sub-sections or clauses mentioned in sub-section (*2*) may be exercised, performed or discharged, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the Commissioner generally or specially empowers in writing in this behalf; and in each of the said sections, sub-sections and clauses the word "Commissioner" shall, to the extent to which any muni-

cipal officer is so empowered, be deemed to include such officer.

[a] (*2*) The sections, sub-sections and clauses of this Act referred to in sub-section (*1*) are the following, namely :—

Section 82.
" 83.
" 84.
" 85, sub-section (*1*).
" 112.
" 113, sub-section (*3*).
" 142, sub-section (*2*).
" 149.
" 152, sub-section (*1*).
" 153, sub-section (*1*).
" 155, sub-sections (*1*) and (*3*).
" 160.
" 162.
" 163, sub-section (*1*).
" 164.
" 165, sub-sections (*1*) and (*2*).
" 174.
" 175.
" 176.
" 177.
" 187.
" 188.
" 189.
" 200.
" 201, sub-section (*2*).
" 202, sub-section (*1*).
" 209, sub-section (*1*).
" 210, sub-section (*1*).
" 214, sub-sections (*2*) and (*3*).
" 222, sub-sections (*1*) and (*2*).
" 228.
" 229.
" 232A.
" 234.
" 240.
" 243, sub-section (*2*).

[a] Sub-section (*2*) of section 68 was substituted for the original sub-section by Bom. V of 1905, s. 6.

(Chap. III.—Duties and Powers of the Municipal Authorities. Sec. 68.)

Section 244.
" 246A.
" 247.
" 248.
" 249.
" 249A.
" 250, sub-section (*2*).
" 251.
" 251B.
" 252.
" 253.
" 254.
" 255.
" 257.
" 258, clauses (*a*), (*b*) and (*c*).
" 259.
" 259A.
" 263, sub-section (*1*).
" 265.
" 266.
" 272.
" 273.
" 273A.
" 276.
" 278.
" 279, sub-section (*1*).
" 287.
" 298, sub-sections (*1*) and (*2*).
" 300, sub-section (*1*).
" 311.
" 314.
" 317.
" 319.
" 321, sub-section (*2*).
" 322.
" 324.
" 325.
" 326, sub-sections (*2*) and (*5*).
" 329.
" 333, sub-section (*4*).
" 334, sub-section (*1*).
" 337, sub-section (*1*).
" 338.
" 339.
" 340.

(Chap. III.—Duties and Powers of the Municipal Authorities. Sec. 68.)

Section 342.
" 343.
" 344A.
" 345.
" 346, sub-section (*1*).
" 347, clause (*a*).
" 348, clauses (*a*), (*b*) and (*c*).
" 349.
" 349A.
" 350.
" 353.
" 353A.
" 354.
" 354A.
" 355.
" 368.
" 374.
" 375.
" 377.
" 379.
" 379A.
" 380.
" 383.
" 384, clause (*a*).
" 394.
" 396, sub-section (*1*).
" 403, clause (*e*).
" 409.
" 410, sub-section (*1*).
" 412, sub-sections (*1*) and (*2*).
" 413, sub-section (*1*).
" 415.
" 416.
" 422.
" 424, sub-section (*1*).
" 425, sub-section (*1*).
" 427, sub-section (*3*).
" 455.
" 479, sub-section (*5*).
" 488.
" 489.
" 492, clause (*a*).
" 517, clause (*a*).

Contracts.

Power to the Commissioner to execute contracts on behalf of the corporation.

69. With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely—

(*a*) every such contract shall be made on behalf of the corporation by the Commissioner;

(*b*) no such contract for any purpose which, in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given;

(*c*) no contract, other than an agreement for the acquisition of immoveable property, which will involve an expenditure exceeding five thousand rupees, shall be made by the Commissioner unless the same is previously approved by the standing committee;

(*d*) every contract made by the Commissioner involving an expenditure exceeding five hundred and not exceeding five thousand rupees shall be reported by him, within fifteen days after the same has been made, to the standing committee;

(*e*) the foregoing provisions of this section shall apply, respectively, to every contract which the Commissioner shall have occasion to make in the execution of this Act; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

Mode of executing contracts.

70. (*1*) Every contract entered into by the Commissioner on behalf of the corporation shall be

entered into in such manner and form as would bind the Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged: Provided that—

(*a*) where any such contract, if entered into by the Commissioner, would require to be under seal, the same shall be sealed with the common seal of the corporation; and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the corporation and shall specify the work to be done, or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods, and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(*2*) The common seal of the corporation, which shall remain in the custody of the municipal secretary, shall not be affixed to any contract, or other instrument, except in the presence of two members of the standing committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

71. No contract not executed as in the last preceding section provided shall be binding on the corporation.

Contract not binding on the corporation unless executed as prescribed in section 70.

(Chap. III.—Duties and Powers of the Municipal Authorities: Secs. 72-73. Chap. IV.—Municipal Officers and Servants. Sec. 74.)

Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.

72. (*1*) Except as is hereinafter otherwise provided, the Commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(*2*) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (*c*) of section 69, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous:

(*3*) Provided that the standing committee may authorize the Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

73. The Commissioner shall require sufficient security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

Executive Engineer and Executive Health Officer.

Appointment of executive engineer and executive health officer.

74. (*1*) The corporation shall appoint fit persons to be municipal executive engineer and municipal executive health officer.